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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,907	01/28/2002	Thibaut Montanari	ATOCM-246	1484

23599 7590 10/26/2004

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EXAMINER

WOODWARD, ANA LUCRECIA

ART UNIT PAPER NUMBER

1711

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,907

Applicant(s)

MONTANARI ET AL.

Examiner

Ana L. Woodward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 9, 2004
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9-13, 15-22, 25-28, 30-32, 35-50 and 55-72 is/are pending in the application.
- 4a) Of the above claim(s) 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-13, 15-21, 25-28, 30-32, 35-50 and 55-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claim 22 drawn to an invention nonelected with traverse in the reply filed on October 23, 2003. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-5, 7, 9-12, 21, 25-28, 30-32, 35-40, 42-45, 62-64 and 68-71 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended claims no longer indicate the amount of polyamide C) and, as such, embrace a polyamide C) content of up to 50%, which is new matter. There is no express support in the specification, as originally filed, for a polyamide C) content greater than 40%.

4. Claim 72 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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The claim does not indicate the amount of compatibilizer (D) and, as such, embraces a compatibilizer (D) content of up to 50%, which is new matter. There is no express support in the specification, as originally filed, for a compatibilizer (D) content greater than 20%.

The claimed terminology "said composition being semi-crystalline" (with emphasis) also does not find express support in the specification and, as such, is new matter.

5. Claims 1-5, 7, 9-13, 15-21, 25-28, 30-32, 35-50 and 55-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the metes and bounds of the claims are rendered indefinite by the various overlap in scopes existing among the recited components. For instance, each of the generically recited (D) and (M) components not only read on each other, but they also read on each of the polyamides (A), (B) and (C). Accordingly, it is unclear as to exactly how many different components are required by the claims.

In claim 72, the metes and bounds of the claims are rendered indefinite by the overlap in scope existing between the generically recited (M) component and each of the other components. Accordingly, it is unclear as to exactly how many different components are required by the claims.

In claim 12, there is no express support for the term "supple" governing the modifier (M).

In claim 32, there is no express antecedent basis for "said at least one isomer".

Claims 41, 46-50, 56, 57, 59-61 are indefinite for depending upon cancelled claim 33.

Claim 58 is indefinite for depending upon cancelled claim 8.

Response to Amendment

6. The amendment filed August 9, 2004 to claim 1 requiring the presence of a copolymer containing polyamide blocks and polyether blocks, i.e., component (C), has obviated the previous art and double patenting rejections. The examiner is in agreement with applicants' argument that the prior art of record does not reasonably render obvious to one having ordinary skill in the art the incorporation of said block copolymer to the polyamide-based composition of Dalla Torre.

7. Newly presented claim 72 requires the presence of catalyzed polyamide as the compatibilizer (D). The examiner is also in agreement with applicants' argument that the prior art of record does not reasonably render obvious to one having ordinary skill in the art the incorporation of said catalyzed polyamide to the polyamide-based composition of Dalla Torre.

Response to Arguments

8. Applicant's arguments filed August 9, 2004 have been fully considered but they are not persuasive with respect to the 35 U.S.C. 112, second paragraph, rejection.

It is maintained that the metes and bounds of the claims are rendered indefinite by the various overlap in scopes existing among the recited components. In claim 1, there is no distinction between the generic "compatibilizer (D)" and the generic "modifier (M)". In claim 1, there is also no distinction between the generic "compatibilizer (D)" and the polyamide (A), given that each can be, e.g., polyamide 11 (per claims 3 and 9).. Further, in claims 1 and 72, there is no distinction between the generic "modifier (M)" and any of the other components. It is noted, for example, that the polyamide (C) can also be a copolymer containing polyether blocks and polyamide blocks as per claim 39.

Accordingly, it is unclear as to exactly how many different components are required by the claims.

Allowable Subject Matter

9. Claims 1-5, 7, 9-13, 15-21, 25-28, 30-32, 35-40, 42-45, 55 and 62-72 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112 set forth in this Office action.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

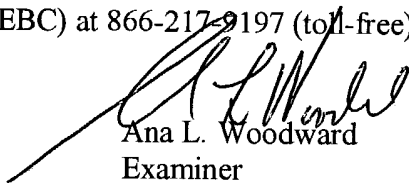
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ana L. Woodward
Examiner
Art Unit 1711

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